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LAMB *v.* LAMB.

Nov. 20, 1919.

[101 S. E. 223.]

Divorce (§ 133 (1)*)—Willful Desertion Shown.—In action by a husband for divorce, on ground of desertion 28 years before suit, court erred in not allowing a divorce where four disinterested witnesses testified that plaintiff was a hard-working, industrious man and a kind and provident husband and father, who supplied all the needs of the family, and that the wife willfully deserted and abandoned him.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 739.]

Appeal from Circuit Court, Page County.

Suit by Hezekiah Lamb against Charlotte A. Lamb. Decree for defendant, and plaintiff appeals. Reversed and rendered.

R. S. Parks, of Luray, for appellant.

HOOK *v.* HOOK.

Nov. 20, 1919.

[101 S. E. 223.]

1. Trusts (§§ 17, 18 (3)*)—Parol Trust in Land Enforceable in Equity.—An express trust in land may be created by parol, and is enforceable in a court of equity.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 266, 267; 16 Va.-W. Va. Enc. Dig. 1124; 17 Va.-W. Va. Enc. Dig. 994.]

2. Trusts (§ 44 (3)*)—Parol Trust in Land Must Be Supported by Clear Evidence.—To enforce in a court of equity an express trust in land created by parol, the party setting up such trust, and invoking the jurisdiction of the court, should produce clear and convincing evidence in support of his claim.

[Ed. Note.—For other cases, see 16 Va.-W. Va. Enc. Dig. 1124; 17 Va.-W. Va. Enc. Dig. 994.]

3. Equity (§ 378*)—Submission of Issue to Jury.—In suit between sister and brother, the brother setting up a parol trust in the land involved, of which the sister claims he is a tenant under her, where the testimony of the brother and sister is irreconcilably in conflict, raising a question of truth and veracity, and the evidence of their principal witnesses is also conflicting and uncertain, and involves credibility, an issue should be framed for submission to a jury in accordance with usual chancery practice.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 52; 16 Va.-W. Va. Enc. Dig. 733.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.